

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARIA RUSKIEWICZ, on behalf )  
of herself, and all others similarly )  
Situated, )  
                                       )  
Plaintiff, )  
                                       )  
v.                                 )      **CIVIL ACTION FILE NO.**  
                                       )      **5:23-cv-00303-D**  
OKLAHOMA CITY )  
UNIVERSITY, )  
                                       )  
Defendant. )

**DEFENDANT'S MOTION TO DISMISS THE CLASS ACTION COMPLAINT**

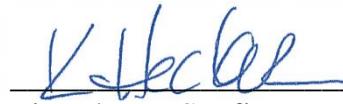
Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Oklahoma City University (“OCU”) hereby moves to dismiss the Class Action Complaint (Doc.1) (“Complaint”) with prejudice for the reasons that Plaintiff does not have Article III standing and therefore, the Court lacks subject matter jurisdiction, and because, alternatively, the Complaint and each of its causes of action fails to state a claim upon which relief can be granted.

In accordance with Local Civil Rule 7.1, OCU attaches hereto and incorporates by reference its Brief in Support of Defendant’s Motion to Dismiss the Class Action Complaint. As set forth therein, Plaintiff does not allege any concrete, particularized injury, but instead merely alleges a risk of future harm and time and expense allegedly associated with protecting herself from the potential for future harm. Therefore, Plaintiff does not have Article III standing to bring this lawsuit and it should be dismissed for lack of subject matter jurisdiction. Alternatively, even if Plaintiff does allege enough facts to confer

standing, the Complaint still should be dismissed because each of Plaintiff's causes of action fail to state a claim upon which relief can be granted.

WHEREFORE, OCU requests that the Court grant this motion, dismiss the Complaint in its entirety with prejudice, and grant such other and further relief to OCU that the Court deems necessary and proper.

Respectfully submitted this 7th day of June, 2023.



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**CERTIFICATE OF SERVICE**

I certify that I have this day submitted the foregoing **DEFENDANT'S MOTION TO DISMISS THE CLASS ACTION COMPLAINT** to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to the following counsel of record who are CM/ECF participants:

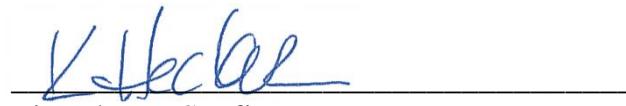
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This 7th day of June, 2023.



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